

# EXHIBIT 29

Hunters Capital, LLC v. City of Seattle

Christopher Fisher

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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HUNTERS CAPITAL, LLC,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 20-cv-00983-TSZ
vs.	)	
	)	
CITY OF SEATTLE,	)	
	)	
Defendant.	)	
	)	

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\* VIDEOCONFERENCE \*

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION  
OF  
CHRISTOPHER FISHER

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(All parties participating via Zoom)

DATE TAKEN: SEPTEMBER 23, 2022  
REPORTED BY: SHERRILYN SMITH, CCR# 2097

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1 executive communication, really.

2 Q Okay. And when approximately did that -- that  
3 transition of the role occur?

4 A I can't specifically remember. I think it was  
5 maybe like spring of 2019, but I can't remember  
6 specifically.

7 Q And during -- during the aftermath of the  
8 death of George Floyd in May of 2020, did -- did your  
9 role or position change at all in response to the  
10 protests that -- that occurred then?

11 A No.

12 Q Okay. And after Chief Best stepped down in  
13 September of 2020, did your position with the Seattle  
14 Police Department change at all?

15 MR. BEAVER: Object. Assumes facts not  
16 in evidence.

17 A No, Chief Diaz continued to use me much in the  
18 same way.

19 (Mr. Cramer joined the  
20 proceedings.)

21 BY MR. REILLY-BATES:

22 Q And is your title at the Seattle Police  
23 Department still chief strategy officer?

24 A I am on loan to the Department of Justice,  
25 that's why I'm in D.C. So it's an intergovernmental

1 agreement. So I'm technically employed by the City,  
2 but they do this with other government agencies. So  
3 I'm working for the federal government at the moment.

4 Q Okay. And when -- when did you leave your  
5 role at the Seattle Police Department to go on loan to  
6 the Department of Justice?

7 A Right. So this detail started December of  
8 '21.

9 Q And what -- what are your job duties at the  
10 Department of Justice?

11 A I'm a senior advisor in the Office of the  
12 Assistant Attorney General at the Office of Justice  
13 Programs, and so I advise the AAG, the Assistant  
14 Attorney General, on issues related to policing and  
15 violent crime and police reform. And so...

16 Q Okay. And in that role, have you -- what  
17 are -- what are some of the projects that you've  
18 worked on in that role?

19 A So primarily, we are the Department's primary  
20 grant-making office through the variety of program  
21 offices that are managed under the Office of Justice  
22 programs. So it involves a lot of reviewing,  
23 solicitations for grant awards that go out to the  
24 field, to try to make sure they are aligned with best  
25 practices and the -- the intent of the administration.

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1           A    Again, I'm -- I'm not aware of ever  
2 intentionally deleting anything substantive.

3           Q    Okay. Well, how about unintentionally? Do  
4 you have any knowledge that intentionally or  
5 unintentionally that text messages were deleted from  
6 your work phone or your personal phone?

7           A    Well, on my work phone, I know I had to reset  
8 it anytime I got locked out. So I'm assuming that --  
9 I don't know what that does behind the scenes, so to  
10 speak, but I don't -- I'm assuming that affects  
11 something.

12          Q    So you're aware that when you reset the phone  
13 that that would cause text messages to be lost,  
14 correct?

15                       MR. BEAVER: Object to the form.

16           A    Yeah, I don't think I was aware that they  
17 would be lost. I assume the City had ways to get  
18 messages back on a device it owned.

19 BY MR. REILLY-BATES:

20          Q    Other than the reset that occurred, was there  
21 any other instance of deletion of messages, whether  
22 it's intentional or unintentional, that you are aware  
23 of occurring to cause messages to be deleted from your  
24 work phone or your personal phone?

25                       MR. BEAVER: Object to the phone.

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1 Is your question referring to any text message  
2 by anyone about anything?

3 MR. REILLY-BATES: Let's start with  
4 that, yes.

5 MR. BEAVER: Okay. Object to the form.

6 A In relation to the work phone, I'm fairly  
7 certain -- I can't remember, but I'm fairly certain I  
8 had to reset it multiple times. I was -- I'm very bad  
9 at remembering passwords, mostly because you have to  
10 change them frequently, so I'm pretty sure that  
11 happened more than once.

12 BY MR. REILLY-BATES:

13 Q Okay.

14 A And I also know, you know, that we would get  
15 tons of system alerts, you know, this happened, that  
16 happened, automated, every amber alert in this whole  
17 state, or region even, and my understanding, you could  
18 delete those.

19 Q So how about text messages relating to this  
20 case? Are you aware of any instances in which you  
21 deleted text messages relating to this case on your  
22 work phone or your personal phone?

23 MR. BEAVER: Object to the form.

24 A Other than the resets on the work phone?

25 BY MR. REILLY-BATES:

1 Q Correct.

2 A I don't recall ever intentionally deleting  
3 anything, or unintentionally. I'm not aware of  
4 anything, other than through the resets, that's  
5 deleted.

6 On my personal phone, again, you know, I get  
7 tons of spam and system -- from all the automated home  
8 stuff, so I delete those. I'm not aware of ever  
9 intentionally or unintentionally deleting something  
10 pertinent to this case.

11 Q And how many times do you think your phone had  
12 to be -- your work phone had to be reset?

13 A I can specifically recall two occasions. I --  
14 I can't say for certain that's the only time.

15 Q And when did those two occasions occur?

16 A I think -- I can't be -- I know one of them --  
17 I think the first time was either in 20 -- 2019 or  
18 2020. I remember -- I think that was the first time I  
19 got like fully where I was on the last -- last  
20 attempts almost, where it tells you, you know, you've  
21 got two more or one more, and asking IT for help, and  
22 they said there's nothing they could do. And I  
23 remember asking our intel unit, who gets into phones  
24 all the time for cases, you know, can you help me out  
25 here, and them saying, you're going to -- you're going

1 to have to break the phone.

2 And then I remember it happening some other  
3 time after that, where I knew there was -- if I didn't  
4 remember the number there was no way to get in.

5 Q Okay.

6 MR. REILLY-BATES: All right. I think  
7 this is a good time to mark this an exhibit, a  
8 document that was produced today. Let's mark the  
9 document that I just dropped in the chat as Exhibit  
10 No. 19.

11 (Exhibit No. 19 marked.)

12 BY MR. REILLY-BATES:

13 Q And, Mr. Fisher, can you review Exhibit 19,  
14 and let me know when you've had a chance to review it?

15 A I've got to figure out how to zoom in on this.  
16 It's really small. Hold on.

17 (Pause in the proceedings.)

18 A Okay. I've read it.

19 Q Okay. And what is Exhibit 19?

20 A It looks like an email chain that I started  
21 with Jon Engstrom, who is an officer in our intel  
22 unit, asking him for advice on how to get into my  
23 phone, and then the responses from him and another  
24 detective in the unit.

25 Q Okay. And does this refresh your recollection



1 of the first instance that you're aware of your phone  
2 needing to be reset because you couldn't remember the  
3 pass code?

4 A Right. This says Thursday, March 26, 2020. I  
5 can't be certain that's the first time, but in -- best  
6 as I can tell it is.

7 Q Okay. And what was their advice to you around  
8 this time?

9 A Best as I can remember, you know, I think they  
10 asked -- I actually don't -- all I remem- -- remember  
11 them saying, you know, If you don't remember the  
12 number you can keep trying and eventually it will just  
13 reset. They didn't have -- I was incorrect that they  
14 could get into a phone that was locked if you didn't  
15 have any other tools to access your pass code.

16 Q Okay. At that time, in March of 2020, did you  
17 have backups in iCloud enabled?

18 A I didn't -- I wasn't aware that we had City  
19 iClouds, like until seeing Julie's now, and work to  
20 try to recover. I -- I didn't know at the time that  
21 we had City iClouds.

22 Q After this incident occurred, did you lose all  
23 of your text messages because your phone had to be  
24 reset in March of 2020?

25 A I don't remember if everything was gone.

1 Q Okay. Well, after this incident did -- did  
2 you get an iCloud account so that you could back up  
3 the text messages and -- and other documents on your  
4 phone?

5 A No, I didn't know that we set up our own  
6 iClouds. Nobody -- to the best of my recollection, no  
7 one ever told me. We just -- I thought that was  
8 something the City did.

9 Q Well, after this -- this incident, did you  
10 talk to anybody about getting your phone set up to  
11 have backups so that you wouldn't have a potential  
12 data loss in the future?

13 A No, I did not.

14 Q Did you take any other actions to prevent  
15 this, getting locked out from occurring again?

16 MR. BEAVER: Object to the form.

17 A I think I remember trying to not pick such  
18 random passwords that I wouldn't remember them, but I  
19 don't think that worked 100 percent.

20 BY MR. REILLY-BATES:

21 Q Where did you keep your passwords?

22 A In my head.

23 Q Did you ever write them down?

24 A I don't think I ever did. Our department  
25 phones, you know, could contain FBI-related data that

1 were supposed to be pretty secure, so I -- best  
2 practice was you don't write down your passwords.

3 Q Was there anybody within the department that  
4 collected passwords to prevent lockouts from  
5 occurring?

6 MR. BEAVER: Object to the form.

7 A If they did I wasn't aware of such a practice.  
8 BY MR. REILLY-BATES:

9 Q In Exhibit 19, the email in the bottom, where  
10 you wrote, "I got locked out of my department phone (I  
11 am blanking on my passcode) - do I need to get it  
12 reimaged - or you able to get into them," did you  
13 write "do I need to get it reimaged" because you had  
14 reimaged phones in the past?

15 A I don't remember the reimaged -- you know,  
16 sitting here now, my understanding of the phrase, you  
17 know. I knew that when we got a new phone, our phone  
18 department, you know, it would -- all the -- the stuff  
19 just showed up on your phone, you didn't have to like  
20 do anything. So I thought -- I think his name is  
21 Chris. I thought he could just -- I thought he had  
22 access to the phone through whatever back-end system  
23 they had, and maybe he could sort of restart the  
24 phone.

25 Q And why did you believe that you had -- that

1 they had access to the phone on the back end?

2 A Because you couldn't -- from my recollection,  
3 you couldn't just download whatever you wanted,  
4 thing -- apps and updates would get pushed to your  
5 phone.

6 Q Okay.

7 A So my understanding of how that worked was  
8 someone must have access to my phone.

9 Q Okay. And did anybody ever tell you that they  
10 could make changes to your phone remotely?

11 A I don't remember having conversations about  
12 that.

13 Q And as a result of this incident and getting  
14 locked out in March of 2020, was your -- was your  
15 phone factory reset?

16 A I believe so. I don't specifically remember  
17 when reset -- the reset or resets happened, but I  
18 think if you told me -- you're -- I'm thinking this is  
19 the incident where they said you're just going to have  
20 to break it.

21 Q Did -- did you -- did you -- did you factory  
22 reset it yourself?

23 A Yes. I believe the instructions were -- you  
24 know, if this is when this happened, I'm -- you know,  
25 it was type in numbers until it resets.

1 BY MR. REILLY-BATES:

2 Q Who was present at this meeting?

3 A As best as I could remember, Chief Best, Mark  
4 Baird, Rebecca Boatwright, Tom Mahaffey. I'm just  
5 thinking of the command staff because I don't think  
6 anyone was absent. Eric Greening, Deanna Nollette,  
7 Angela Socci, Leslie Cordner, myself, Valerie  
8 Anderson. I don't know if Steve Hirjak was still -- I  
9 don't remember exactly when the meeting was, so I  
10 don't remember if Steve Hirjak was still on command  
11 staff. Adrian Diaz.

12 That's all I can remember. It was whoever was  
13 on command staff under Chief Best, but it did change a  
14 little and I don't specifically remember when the  
15 meeting was.

16 Q Do you remember generally the time period that  
17 the meeting occurred?

18 A No. I mean, I could guess, but I don't want  
19 to guess.

20 Q Was it before or after CHOP?

21 A Oh, it was before. If that's general enough  
22 for you, it was before.

23 Q Was it before COVID?

24 A I'm not sure.

25 Q And following that meeting, did you in fact

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1 turn on the 30-day -- 30-day message reten- --  
2 retention setting on your phone so that it would  
3 automatically delete messages more than 30 days old?

4 A That's my recollection.

5 Q And is it also your recollection that you  
6 never turned that setting off?

7 A I think -- I guess I'm not supposed to think.  
8 But my best recollection is that I turned it -- at  
9 some point I turned it back off. I don't remember  
10 when. I think if I looked at my phone now it would  
11 not be set to that.

12 Q Do you think you turned the setting off after  
13 you got your iPhone XR in December of 2020?

14 MR. BEAVER: Objection.

15 A I don't remember --

16 MR. BEAVER: Calls for speculation.

17 A Yeah, I don't remember when.

18 BY MR. REILLY-BATES:

19 Q Okay. Do you -- do you recall turning it off  
20 and then turning it back on or do you think you just  
21 turned it off at one point?

22 MR. BEAVER: Objection. Calls for  
23 speculation.

24 A Yeah, I don't -- I don't remember clearly  
25 enough to know the order of things.

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1 Q And the second paragraph there, "Evidence of  
2 Devices Having Been Factory Reset." Mr. Leatha  
3 concluded that -- that a file containing a RestoreDate  
4 key set to 11/3/20, was the restore --  
5 WasCloudRestored key set to True. And then he says,  
6 This com- -- "This combination of values indicates  
7 that Fisher's iPhone 7 was restored from an iCloud  
8 backup on November 2, 2020, at 4:52PM PST. To restore  
9 an iPhone from an iCloud backup, it would first need  
10 to be erased or 'factory reset.'"

11 Do you recall having performed a factory reset  
12 on your phone on November 3rd, 2020?

13 A I don't remember a specific date. As I think  
14 I've said, I -- I know there was a second time I had  
15 to -- I got locked out. I don't remember the specific  
16 date.

17 Q Okay. And if -- assuming that November 3rd,  
18 2020 was the second date, you did not reach out to --  
19 you did not reach out to IT at that time for any help  
20 with regard to recovering text messages before or  
21 after you factory reset the phone, correct?

22 MR. BEAVER: Object to the form. It's  
23 also been asked and answered.

24 A I don't recall reaching out to them again, no.

25 BY MR. REILLY-BATES:

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Sherrilyn Smith, a Certified  
Shorthand Reporter in and for the State of Washington,  
do hereby certify that the foregoing transcript is  
true and accurate to the best of my knowledge, skill  
and ability.



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